

COMPLAINT INFORMATION

1. Information about the person who experienced the civil rights/civil liberties violation

Name:

(b)(6)

Date of Birth:

(b)(6)

Alien Registration #:

(b)(6)

Please contact me through the organization filing this complaint on my behalf. Esperanza Immigrant Rights Project has my current contact information and can facilitate any necessary follow-up.

2. Information about the person filling in this complaint on behalf of the complainant

Name:

(b)(6)

First

Last

Program Director

Job title

Organization: Esperanza Immigrant Rights Project

Phone #: Work: (213) 251 (b)(6)

Mailing address: 1530 James M. Wood Blvd., Los Angeles, CA 90015

3. What happened?

(b)(6)

(b)(6)

(b)(6) fled Guatemala after she was kidnapped and repeatedly raped for two months by men who she believes were associated with the drug cartels. They tied her to a pole in a remote location in the mountains for those two months where she was rarely given food or water. After her parents were finally able to gather the money to pay for her ransom, one of the men who kidnapped (b)(6) began to follow her and tell her she would be kidnapped and raped—again and again and again—if she was not careful. She felt she had no other choice but to flee her country. In CBP detention, she became ill from the food that was given to her. She was forced to sleep on a hard block surface on the floor. Her personal belongings were never returned to her, including a belt and money that she had saved for her journey

4. Who treated you unfairly? Customs and Border Protection

5. Have you contacted any other DHS component or other federal, state, or local government agency or court about this complaint? No





Catholic
Charities
of Los Angeles, Inc.

WAIVER OF ANONYMITY FOR CRCL/OIG COMPLAINT

Date: 5/2/14

Name: (b)(6)
DOB: (b)(6)

A#: (b)(6)

I authorize the Esperanza Immigrant Rights Project or any of its duly authorized representatives to file a complaint on my behalf with the Office of Civil Rights and Civil Liberties (CRCL) and the Office of the Inspector General (OIG). I understand that I may be contacted at the later date by either of these agencies to confirm the allegations set forth in my complaint. I understand that my filing this complaint will not negatively affect my immigration case, nor will it confer any legal immigration status on me or my dependents.

I understand that Esperanza may use my personal story in future advocacy surrounding this complaint, but that Esperanza will never use my name or any information that could be used to identify me publicly.

I understand that the filing of the complaint does not initiate representation for immigration purposes. An attorney from Esperanza will not accompany me to court unless I have an independent representation agreement with Esperanza. My participation is voluntary and willing and does not guarantee a specific outcome for immigration purposes.

I understand that this consent expires one year from the date of my signing and I may withdraw my consent at any time.

BY SIGNING THIS AGREEMENT, I INDICATE MY UNDERSTANDING AND AGREEMENT WITH ITS ENTIRE CONTENTS.

IF I DO NOT READ AND UNDERSTAND ENGLISH, THIS AGREEMENT HAS BEEN READ TO ME IN THE Spanish LANGUAGE BY (b)(6) (print name) AND I UNDERSTAND AND AGREE WITH ITS ENTIRE CONTENTS.

(b)(6)
Signature

5/2/14
Date

From: (b)(6),(b)(7)(C)
Sent: Thursday, April 17, 2014 3:48 PM
To: JOINT INTAKE
Cc: (b)(6),(b)(7)(C)
Subject: Fw: Referral Documents for CRCL 14-05-CBP-0095
Attachments: 02.22.2014 (b)(6) HHS ORR.PDF; CRCL Referral Memo 14-05-CBP-0095.pdf; CRCL Referred Complaint Form 14-05-CBP-0095.pdf

For action.

From: CRCLCompliance
Sent: Thursday, April 17, 2014 03:04 PM
To: CRCL Compliance: (b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C); (b)(6); (b)(6),(b)(7)(C); (b)(6) PDOTASKING;
Subject: Referral Documents for CRCL 14-05-CBP-0095

Hello Mr. (b)(6),(b)(7)(C)

Please find attached the CRCL correspondences in reference to CRCL Complaint 14-05-CBP-0095.

Thank you,

(b)(6)

*Complaints Manager
Office for Civil Rights and Civil Liberties
Department of Homeland Security
Washington, DC 20528
Phone: (202) 357- (b)(6)
Fax: (202) 40- (b)(6)*



**Homeland
Security**

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email.



REFERRED COMPLAINT ASSISTANCE	
Assigned To:	U.S. Customs and Border Protection
Requested From:	DHS Headquarters Office for Civil Rights and Civil Liberties (CRCL)
POC:	(b) (6) @hq.dhs.gov
Date Referred to CBP:	April 17, 2014
Deadline to CRCL:	Within 180 days of the date on the attached memo.
CRCL Complaint No:	14-05-CBP-0095 (b) (6)
SYNOPSIS	
<p>On February 22, 2014, CRCL received a Significant Incident Report (SIR) dated February 7, 2014 from the U.S. Department of Health and Human Services Office of Refugee Resettlement (HHS ORR) regarding unaccompanied alien child (UAC) (b) (6) 15 years old. The SIR states that during apprehension by Border Patrol (BP) on February 6, 2014 in Laredo, Texas, the UAC and an adult alien were handcuffed together, and then the adult attempted to abscond back into the river and dragged the UAC with him. The UAC states that two BP agents got into the river and started to hit the UAC and adult's heads with their fists. Then, the agents got them out of the river, and placed them in a vehicle where an agent allegedly kicked the UAC and yelled at him. According to EARM, BP transported the UAC to Laredo Medical Hospital for a pain to the wrist. HHS ORR provided its medical records and the emergency room medical records provided by BP, which indicate a sprain and the provision of a sling and naproxen..</p>	
ISSUES/ALLEGATIONS	
Issues/Allegations to be addressed in CBP's Fact Finding Report/ROI submitted to DHS CRCL:	<ol style="list-style-type: none">1. (b)(6) When and where was the UAC apprehended?<ul style="list-style-type: none">○ Whether the apprehension location is under video surveillance? If so, is that video available?2. What were the circumstances surrounding the UAC's apprehension?<ul style="list-style-type: none">○ Whether a USBP agent handcuffed the UAC to an adult male alien? If so, is that consistent with policy and what is the adult's name and alien number?○ Whether the adult male alien attempted to abscond back into the river while handcuffed to the UAC?○ Whether USBP agents hit the UAC's head while he was in the water. If so, was this force consistent with policy?3. Whether USBP followed policy and procedure in the apprehension and detention of the UAC, including but not limited to:<ul style="list-style-type: none">○ Whether USBP agents used appropriate force when apprehending the UAC on February 6, 2014?○ Whether the apprehending USBP agents provided verbal orders to the UAC, and if so what orders were provided?○ Whether the UAC received or requested medical care during

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Law Enforcement Sensitive*



	<p>(b)(5) his time in CBP custody?</p> <ul style="list-style-type: none">○ Whether the UAC was medically screened? If so, what were the findings?
Information/Documents requested by DHS CRCL:	<ol style="list-style-type: none">1. I-213 and accompanying narrative, I-770, Form 93, Hospital Medical Release documents and copies of other medical records provided to USBP.2. Copies of all e3 detention logs and notes on (b) (6)3. All policies, procedures and other guidelines issued to Border Patrol agents in the involved Sector, regarding apprehension and use of force pertaining to UAC.4. Any reports (including use of force reports) related to the apprehension of (b) (6) or other reports related to this complaint.5. Statements from the Border Patrol agents involved in the UAC's apprehension, transport and processing on February 6, 2014, addressing the circumstances surrounding the incident.6. All available medical records for the UAC, including any records demonstrating the minor was screened for medical issues, or that processing agents observed and/or responded to any injuries that may have resulted from the alleged incident.7. Any available video recording near the apprehension location on February 6, 2014 during the timeframe of the alleged incident.

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Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(6)

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(b)(6)

of the Freedom of Information and Privacy Act



Homeland
Security

April 17, 2014

MEMORANDUM FOR:

(b)(6), (b)(7)(C)

Office of Internal Affairs
U.S. Customs and Border Protection

Scott Falk
Chief Counsel
U.S. Customs and Border Protection

FROM:

(b)(6)

(b)(6)

Director, Compliance Branch
Office for Civil Rights and Civil Liberties

(b)(6)

Attorney Advisor
Office of General Counsel

SUBJECT:

14-05-CBP-0095

(b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) has received a complaint alleging that U.S. Customs and Border Protection (CBP) has violated an individual's civil rights or civil liberties. The purpose of this memorandum is to notify you of the complaint and to inform you that we are referring this complaint to CBP for investigation. We request that the appropriate office within your component complete an inquiry into the enclosed complaint within 180 days of the date of this referral. Please see the attached Referred Complaint Assistance Form for guidance regarding this inquiry.

CRCL authorities. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may engender are outlined in Department of Homeland Security (DHS) Management Directive 3500. We have received information concerning the above listed complaints that may fall under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1.

Protected by Attorney-Client and Deliberative Process Privileges

Access to information. More particularly, 42 U.S.C. § 2000ee-1(d) grants CRCL access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

- “Notify the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization”;
- “Interview persons and obtain other information deemed by CRCL to be relevant and require cooperation by all agency employees”; and
- “Access documents and files that may have information deemed by CRCL to be relevant.”

Reprisals forbidden. In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This memorandum and the Referred Complaint Assistance Form are pursuant to these authorities.

Privilege and required transparency. Our communications with CBP personnel and documents generated during this review, particularly the final report, will be protected to the maximum extent possible by attorney-client and deliberative process privileges. Under 6 U.S.C. § 345(b), however, we submit an annual report to Congress—also posted on CRCL’s Web site—that is required to detail “any allegations of [civil rights] abuses . . . and any actions taken by the Department in response to such allegations.”

When the inquiry is complete, please contact CRCL with your component’s findings and recommendations. CRCL will review the matter in accordance with our mission to assist DHS to secure the Nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with your staff on this matter, will notify you when we have closed these complaints, and will provide you with any recommendations resulting from these complaints.

If you have any questions concerning this referral, please do not hesitate to contact my colleague, (b)(6) by phone at 202-357-(b)(6) 866-644-8360 (TTY), or by email at (b)(6)@hq.dhs.gov.

Copies to:

(b)(6), (b)(7)(C) bp.dhs.gov
(b)(6), (b)(7)(C) @cbp.dhs.gov

Enclosure

Protected by Attorney-Client and Deliberative Process Privileges

From: [DHSOIGHotlineMailbox](#)
To: (b)(6) CRCL DHSOIGHotline
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 14-05-CBP-0095
Date: Monday, March 10, 2014 5:29:56 PM

Office of Inspector General

U.S. Department of Homeland Security



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The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6) @associates.hq.dhs.gov]
Sent: Friday, March 07, 2014 10:20 AM
To: CRCL DHSOIGHotline
Cc: (b)(6)
(b)(6)
Subject: CRCL Complaint Number 14-05-CBP-0095

DHS OIG,

Summary of new complaint for your review:

THIS MATTER INVOLVES AN UNACCOMPANIED MINOR. On February 22, 2014, CRCL received a Significant Incident Report (SIR) dated February 7, 2014 from the U.S. Department of Health and Human Services Office of Refugee Resettlement (HHS ORR) regarding unaccompanied alien child (UAC) (b)(6) (b)(6) 15 years old. The SIR states that during apprehension by Border Patrol (BP) on February 6, 2014 in Laredo, Texas, the UAC and an adult alien were handcuffed together, then the adult attempted to abscond back into the river and dragged the UAC with him. The UAC states that two BP agents got into the river and started to hit their heads with their fists. Then, the agents got them out of the river, and placed them in a vehicle where an agent kicked the UAC and yelled at him. According to EARM, BP transported the UAC to Laredo Medical Hospital for a pain to the wrist from the handcuff incident. HHS ORR provided their medical records and the emergency room medical records that BP provided them, which indicate a sprain and information that a sling and naproxen were provided.

Thank you.

(b)(6)

Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
(202)357-(b)(6) o)
(b)(6) @associates.hq.dhs.gov

This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email.

From: (b)(6),(b)(7)(C)
To: (b)(6)
Subject: RE: 14-05-CBP-0095 ROI?
Date: Monday, July 20, 2015 7:26:37 AM

Hi (b)(6)

No problem at all. I just forwarded it to you.

(b)(6),
(b)(7)(C)

From: (b)(6)
Sent: Sunday, July 19, 2015 6:51 PM
To: (b)(6),(b)(7)(C)
Subject: 14-05-CBP-0095 ROI?

Hi (b)(6),(b)(7)(C)

14-05-CBP-0095 is a case that was transferred to me from (b)(6). It was referred to CBP for investigation back in April 2014- I'm sure an ROI has been completed but I can't find it in the system and we don't have access to (b)(6) emails anymore.

Do you happen to have a copy of the ROI for this one that you could send over? Sorry for the double work on this one.

(b)(6)

Compliance Branch

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security

(o) 202 357 (b)(6)

(bb) 202 697 (b)(6)

(b)(6) [@associates.hq.dhs.gov](mailto:(b)(6)@associates.hq.dhs.gov)

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Withheld pursuant to exemption

(b)(5),(b)(6)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

From: [CRCL_DHSOIGHotline](#)
To: (b)(6) : [CRCL_DHSOIGHotline](#)
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 14-07-CBP-0157 - BOX 1 EMAIL
Date: Thursday, April 24, 2014 10:55:28 AM
Attachments: [image002.png](#)

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information is furnished for whatever administrative action or inquiry you consider appropriate. Should your office take any administrative or personnel action in response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)@associates.hq.dhs.gov]
Sent: Wednesday, April 23, 2014 1:42 PM
To: CRCL_DHSOIGHotline
Cc: (b)(6)
(b)(6)
Subject: CRCL Complaint Number 14-07-CBP-0157

DHS OIG,

Summary of new complaint for your review:

THIS MATTER INVOLVES AN UNACCOMPANIED MINOR. On April 13, 2014, CRCL received email correspondence from (b)(6) of Children's Project South Texas Pro Bono Asylum Representation Project (ProBAR) on behalf of unaccompanied alien child (UAC) (b)(6) 17 years old. According to EARM records, the UAC was apprehended on November 30, 2013 by Brooks County Sheriff's Department in Alice, Texas after the UAC drove off a bridge still under construction and injured his spine. The UAC was flown to the hospital, and once the UAC was stable, 15 days after surgery, Border Patrol arrested the UAC and processed

him at the Falfurrias Station. The UAC alleges that BP agents at the Falfurrias Station withheld his prescribed painkillers and cream. Then, UAC states that within 24 hours he was transferred to the Brownsville Station, where he received crutches and an agent lost his prescription medication, which was subsequently replaced with over-the-counter painkillers. In addition, the UAC alleges that he had to sleep on the floor, only with a thin mattress. The UAC alleges that agents denied him access to medical care for his pain, migraines, and regurgitation. According to EARM records, on December 28, 2013 the UAC was transferred to HHS ORR custody.

Thank you.

(b)(6)

Compliance Branch

Office for Civil Rights and Civil Liberties

U.S. Department of Homeland Security



(202)357-(b)(6) (o)

(b)(6)

[@associates.hq.dhs.gov](mailto:(b)(6)@associates.hq.dhs.gov)

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Homeland
Security

April 24, 2014

Via electronic mail

(b)(6)

Children's Staff Attorney
South Texas Pro Bono Asylum Representation Project (ProBAR)
119 W. Van Buren, Ste. 204
Harlingen, TX 78550
(b)(6)@americanbar.org

Re: Complaint No. 14-07-CBP-0157

(b)(6)

Dear Ms. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on April 13, 2014, on behalf of (b)(6). Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS).

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at CRCLCompliance@hq.dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint, if you have not already done so. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely

(b)(6)



Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Authority: 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1 authorizes the collection of this information.

Purpose: The Department of Homeland Security (DHS) will use this information to review and investigate complaints and information from the public about possible violations of civil rights and/or civil liberties relating to DHS employees, programs, or activities.

Routine Uses: This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information, as necessary, with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ ALL-029 Civil Rights and Civil Liberties Records System of Records.

Disclosure: Furnishing this information to CRCL is voluntary; however, failure to furnish the requested information may delay or prevent CRCL from adequately reviewing and investigating your complaint. If necessary, CRCL may also request additional information from you in order to determine the appropriate manner to address your concerns.

To learn more about the Privacy Act, go to www.dhs.gov/privacy.

From: (b)(6)
To: [CRCLCompliance](#)
Subject: 7 CBP complaints
Date: Sunday, April 13, 2014 5:59:50 PM
Attachments: CBP complaint Falfurrias and Brownsville (b)(6).pdf
CBP complaint Kingsville (b)(6).pdf
CBP complaint McAllen (b)(6).pdf
CBP complaint McAllen (b)(6).pdf
CBP complaint Weslaco (b)(6).pdf
CBP complaint Weslaco (b)(6).pdf
CBP complaint Weslaco (b)(6).pdf

Good Evening,

I have attached seven separate CBP complaints by UACs.

Best,

(b)(6)

--
(b)(6)

Children's Staff Attorney
South Texas Pro Bono Asylum Representation Project (ProBAR)
(a project of the American Bar Association Commission on Immigration)
119 W. Van Buren, Ste. 204
Harlingen, TX 78550
(b)(6)@gmail.com
tele: (956) 365-3775
fax: (956) 365-3789

April 11, 2014

Department of Homeland Security
Attn: Office of Inspector General
245 Murray Drive, SW, Building 410
Washington, DC 20528

RE: Falfurias and Brownsville Border Patrol

Dear Sir or Madam:

Our office requests that the Office of Inspector General investigate the behavior of Border Patrol Officers in Falfurias and Brownsville, Texas, where we have received a **report of deprivation of medical care of an unaccompanied minor**. We are attaching the affidavit signed by the minor.

- (b)(6) age 17, (b)(6) previously detained at the Southwest Key (Casa Antigua) facility in San Benito, Texas. For your reference the event number is (b)(6)

(b)(6) reports that he was a passenger involved in a car accident near Alice, Texas. (b)(6) notes that the local police took him to the hospital where three fractured vertebral column disks were surgically treated. (b)(6) reports that he was prescribed painkillers and cream.

(b)(6) indicates that fifteen days after the surgery, he was transferred to a processing station in Falfurias, Texas. (b)(6) indicates that during his stay at the Falfurias processing station, his prescription medication was withheld.

(b)(6) also reports that, within twenty four hours, he was transferred to the Brownsville processing station, where he was offered crutches instead of a wheelchair despite his inability to stand or walk. (b)(6) also notes that the officers lost his prescription medication, which they subsequently replaced with over-the-counter painkillers. (b)(6) also notes that the officers did not accommodate him with a bed, and he slept on the floor on a very thin mattress.

Furthermore, (b)(6) reports that the officers denied him access to a doctor to treat his pain, migraines, and regurgitation. (b)(6) notes that a doctor at the hospital where he was treated indicated that these symptoms were related to the car accident and required medical care.

The minor's declaration provides more detailed information on the abuse outlined above.

Unaccompanied minors who are in custody deserve the fair and humane treatment that is outlined in the Flores settlement. I trust that your agency will be able to use this information to identify any individuals involved in the abuses and to advocate for Border Patrol's compliance with the standards for treatment of minors in custody.

We are looking forward to hearing from you concerning this complaint. Please note that the minor's signature on page two of his complaint authorizes your agency to release information about any investigation of this complaint to ProBAR, and we request that you do so. If you have any questions, please contact me at (956) 365-3775. Thank you for your prompt attention to this matter.

Respectfully,

(b)(6)

Attorney at Law

cc: DHS Office of the Inspector General
245 Murray Drive, SW, Building 410/Mail Stop 2600
Washington, DC 20528
Via facsimile to (202) 254-4297

Department for Homeland Security
Office for Civil Rights and Civil Liberties
245 Murray Drive, SW, Building 410
Washington, DC 20528
Via electronic mail to CRCLCompliance@hq.dhs.gov

Department of Homeland Security
Joint Intake Center, ICF/CP
P.O. Box 14475
1200 Pennsylvania Avenue, NW
Washington, DC 20044
Via facsimile to (202) 344-3390

Department of Homeland Security
Office of Internal Audit
425 "T" Street, NW
Washington, DC 20530

Commission on Immigration
American Bar Association
1050 Connecticut Ave., NW, Suite 400
Washington, DC 20036
Via electronic mail

Customs and Border Protection
Falfurias Station
P.O. Box 479
Falfurrias, TX 78355

Customs and Border Patrol
Fort Brown Station
3305 S. Expressway 83
Brownsville, TX 78521

(b)(6)
My full and complete name is: _____

(b)(6)
My assigned Alien number is: _____

I was detained by Border Patrol Agents at or near: Hospital in Corpus Christi, TX

I was detained by Border Patrol Agents on or about: late November 2013

My age at the time I was detained: 17 FINS #: _____

(b)(6)
Event #: _____

Border Patrol Agent: _____

Location of Border Patrol Agent: _____

kid spent time w/ BP agents in
Corpus Christi, TX and at Processing
Station in Brownsville, TX
and Falfurrias, TX

(b)(6)

declare and affirm that the following took place:

I was a passenger in a car that crashed near Alia, TX on late November, 2013. I was found by a local police officer who took me to the hospital. There, I underwent a surgery to reconstitute 3 vertebral column discs that were fractured during the accident. I stayed at the hospital for 3 weeks. In order to be operated, I needed to get a document signed but because I was a minor (and still am) I could not sign it. The hospital asked me the phone number of my custodian and they contacted my custodian. When my custodian came to the hospital, she was denied entry in my room by BP officers who alleged that she did not have my custody. A BP officer stayed in front of the office and did not allow me to see my custodian. My custodian is one of the really few people in my family who resides in the US and my parents do not live in the US. A few days, the hospital, despite of the intransigence of the BP officers in charge of me, contacted my custodian, who signed the authorizations. Only after she signed the papers and called the consulate* she was allowed to see me.

The B. P. officers in charge of me in the hospital

* Mexican consulate
B. P. Border Patrol

told my custodian s/he was able to take me as soon as I healed from the surgery. My custodian called B.P after the surgery and they said that they were not able to send the documents s/he needed to take me out of the hospital b/c my custody papers were not "valid" for them. I do not understand why they did allow me to stay w/ my custody when she had the right to sign my operation authorization. The BP officers only allowed him/her to sign my papers so that they were not responsible for my operation, as the hospital had given them an ultimatum on my need for care. During the whole process at the hospital the BP officers were not helpful and threatened me and my custodian with deporting me right after the surgery, ignoring what my doctors had told me about the needing to heal at least 15 days after the surgery. BP officers told my custodian I was going to be deported just 48 hours after the surgery.

(Poos2)

I stayed in total 4 days in the hospital before my operation and 15 days after the operation. Then I was transferred to the processing station in Falfurrias, TX.

The hospital offered a fast deportation, saying that I could not stay seated for long. After the 15th day, the hospital personnel asked me whether I could spend 2 hours in a trip to the border in order to be deported. They had been told by B.P. that my deportation would be expedited and that I would be transferred to an MX^① hospital by the MX government or soon as I was deported.

Instead, I spent 6 days at the processing station.

I was taken to the processing station in Falfurrias where I asked to see a judge as I was being registered. I was told by B.P. officer, under the supervision of Beatriz E. Trevino, Acting field operation supervisor, that seeing a judge is a waste of time and that the judge would deport me without asking any questions. I refused to sign any papers until I was guaranteed the right to see a judge.

① MX = Mexico

Page 4

One officer told me "Why would you want to see a judge if the judge is going to tell you no?" the officers got angry at my refusal and told me that they would not let me see the judge independently of whether I was going to sign the papers or not. They sent me to the cell and a few hours later, an officer, after my repeated inquiries, brought me back to the registration area and provided me w/ a Notice to Appear package.

Once I was inside the detention cell I called a BP officer asking for my prescriptions. I was prescribed some painkillers pills and a cream to help the healing of the surgery scars. The B.P. officer told me that he was going to call the B.P. officer in charge of prescriptions and that I was going to receive those prescriptions at the appropriate time. During my full day and a few hours long stay in the Fall River Processing Station I was not given any

JUVENILE FOLLOW-UP

South Texas Pro Bono Asylum Representation Project
Immigrant Children's Assistance Project

Date _____ Interviewer: _____
Name _____ A# _____
Detention Center: IES / Foster HRL / Foster BRO / SWK / BCFS Caseworker _____
Next Court Date _____ Reunification Status _____
Flags _____

DATE INITIALS NOTES

of my prescriptions.

I could not stay seated in my wheel-chair for too long and requested a bed. They did not have any in the Falfurrias B.P. station. After some 2 1/2 hours, I was transferred to the Brownsville processing station. B.P. officers asked me if I could walk in order to board the bus but they realized I could not get out of my wheel-chair. So I had to wait 4 other hours in order to be transferred in a car.

At the Brownsville processing station I did not have my wheel chair, which B.P. had left in Falfurrias. So I asked B.P. officers for a wheel chair. They offered me instead a pair of crutches. I could not stand and the crutches were useless. They looked harder and found a wheel-chair after telling me that "I was lucky". There I also asked for my prescriptions. B.P. officer lost it, so they bought an over-the-counter painkiller that was not the same prescribed by my doctor. They

managed to get the same cream.

I requested a bed or at least a mattress/bed. An officer took me to a detention cell where there were people sleeping on the floor. I told him I could not sleep on the floor as my back needed to heal. The officer found me a thin type of mattress, probably 1-inch long. I tried to make it thicker with a couple of blankets. I knew it needed

Date _____

Name _____

Detention Center: IES / Foster HRL / Foster BRO / SWK / BCFS _____

Next Court Date _____

Flags _____

Interviewer: _____

A# _____

Caseworker _____

Reunification Status _____

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DATE	INITIALS	NOTES
		<p>to be thicker because I had injured myself in fallu- ria trying to lay down on a similar type of mattress. A few hours later a BP officer came and wake up everybody. He told every- body to share blanket because he was going to take blanket to another detention cell, where new migrants had arrived. He then looked at me and saw me laying down over three folded blankets that I had arranged with the help of other migrants in my cell. The officer was a white Hispanic male, + 30 years old. He first asked me what had happened to me. I told him that I had suffered an accident in Alice, TX. He left the cell and came back shortly after. He told me "you have an innocent face but I know what you have done". The BP officer continued in Spanish "How many people have you killed?" He told me that not because I was sick that I could grab as many blankets as possible. He again asked me, shouting, "how many people had I killed?" He was really angry and turned around, shouting to everybody else that was in the detention cell, "this one who is here," pointing to me, "is who gave all Boy thousands of dollars in order to be abandoned and mistreated [at the border]". The BP officer left the cell after saying "and then people say the one [referring to himself] is the bad one".</p>

JUVENILE FOLLOW-UP

South Texas Pro Bono Asylum Representation Project
Immigrant Children's Assistance Project

Page 7

Date _____

Interviewer: _____

Name _____

A# _____

Detention Center: IES / Foster HRL / Foster BRO / SWK / BCFS Caseworker _____

Next Court Date _____ Reunification Status _____

Flags _____

DATE INITIALS NOTES

B.P. officers did not remember to give my medicine at the prescribed moments but only when I reminded them. In both processing stations, I missed meals because I was asleep and no B.P. officers paid attention to that.

In my first day in the Brownsville processing station I was told by B.P. that I was going to see my consulate officials the next day and then be deported. That never happened, I never saw any Mexican consulate official.

In my second day in Brownsville I was taken to another facility, close to one of the bridges to Matamoros, where I could take a shower. I had no assistance to take a shower but I could not move my back. That was my first and only shower while in B.P. custody (6 days).

I was taken to an airport to be transferred to a ORR facility in New Jersey. However I was not allowed to board the plane because I had no shoes at that point. I was returned to the Brownsville processing station. When I arrived at the processing station, I was told by a higher officer in the B.P. hierarchy, who was a social worker or someone who received complaints, told me he had gotten me a transfer to a local facility for kids and that I was going to be transferred the next day. The next day arrived and I was not transferred.

JUVENILE FOLLOW-UP

South Texas Pro Bono Asylum Representation Project
Immigrant Children's Assistance Project

Page 8/9

Date _____

Interviewer: _____

Name _____

A# _____

Detention Center: IES / Foster HRL / Foster BRO / SWK / BCFS Caseworker _____

Next Court Date _____ Reunification Status _____

Flags _____

DATE INITIALS NOTES

BP officers continuously forgot to give me my medications.

In the 4th day I had gastritis & migraines b/c of the fast food we were given. They got worse in the fifth day and I asked an official if I could be taken to a doctor for that. The BP official, despite seeing me in a wheelchair, made fun of me saying that my name must be Dolores[Ⓢ] if I had so much pain. I responded that I only wanted to go to the hospital to be checked. When I was in the hospital in Corpus Christi I

everytime I had a headache I would throw up and I was told by doctors that these migraines were related to my car accident and needed medical care. The B.P. officers told me "What do you want me to do, I am not a doctor!" I said that I did not want him to give me medical attention, just to take me to a doctor. He answered sarcastically, "We have an emergency room on the ambulance outside, what do you want?" Previously he had told me that there was no sick room, so hearing him saying that there was an emergency room sounded weirdly, if not threatening. I told him I would not bother him again and went back to my cell.

Later, another migrant forced me out of the bed that I had made myself with the blanket and no BP officer helped me.

Ⓢ Dolores means pain in plural in Spanish as well as a common Spanish name.

JUVENILE FOLLOW-UP

South Texas Pro Bono Asylum Representation Project
Immigrant Children's Assistance Project

Page 9/9

Date _____

Interviewer: _____

Name _____

A# _____

Detention Center: IES / Foster HRL / Foster BRO / SWK / BCFS Caseworker _____

Next Court Date _____ Reunification Status _____

Flags _____

DATE INITIALS

NOTES

In my day in the Brownville detention cell I was told by the same higher official who had arranged me to be transferred to an ORR facility that I was not supposed to be there for that long because my transfer had been arranged 3 days ago. He told me that he did not know why I stayed there so long. I was transferred to an ORR facility shortly after.

I declare and affirm under penalty of injury that the content of this declaration is true and correct to the best of my knowledge. I authorize any agency or entity receiving this complaint as a copy thereof to release any and all information about this complaint or its investigation to the South Texas Asylum Representation Project CBA BAR.

(b)(6)

x

Signature

1/9/13

Date

I, (b)(6) hereby declare under penalty of perjury that I am competent in Spanish & English and that I have translated to the best of my ability the foregoing affidavit from Spanish to English.

(b)(6)

SIGNATURE

1/9/13

Date FO-0000800492

From: (b)(6)
To:
Cc:
Subject: For Review Possible CBP 504: Contact-DHS-14-0299
Date: Thursday, April 17, 2014 2:54:00 PM
Attachments: 04.13.2014 (b)(6) ProBAR.pdf
(b)(6) EARM Detention History.pdf
(b)(6) EARM Encounter Record.pdf

Hello (b)(6)

We have recently received new incoming correspondence from ProBAR on behalf of unaccompanied alien child (b)(6) regarding his time in Border Patrol custody. Could you please review the new matter to determine, if it is a 504 complaint? I have attached the incoming correspondence. Below is a summary of the allegations:

On April 13, 2014, CRCL received email correspondence from (b)(6) of Children's Project South Texas Pro Bono Asylum Representation Project (ProBAR) on behalf of unaccompanied alien child (UAC) (b)(6), 17 years old. According to EARM records, the UAC was apprehended on November 30, 2013 by Brooks County Sheriff's Department in Alice, Texas after the UAC drove off a bridge still under construction and injured his spine. The UAC was flown to the hospital, and once the UAC was stable, 15 days after surgery, Border Patrol arrested the UAC and processed him at the Falfurrias Station. The UAC alleges that BP agents at the Falfurrias Station withheld his prescribed painkillers and cream. Then, UAC states that within 24 hours he was transferred to the Brownsville Station, where he received crutches and an agent lost his prescription medication, which was subsequently replaced with over-the-counter painkillers. In addition, the UAC alleges that he had to sleep on the floor, only with a thin mattress. The UAC alleges that agents denied him access to medical care for his pain, migraines, and regurgitation. According to EARM records, on December 28, 2013 the UAC was transferred to HHS ORR custody.

Thank you

(b)(6)
Office for Civil Rights & Civil Liberties
Department of Homeland Security
(202) 357 (b)(6) (phone)
(202) 253 (b)(6) (bb)
(b)(6) @hq.dhs.gov



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From: (b)(6),(b)(7)(C)
To: (b)(6) (b)(6),(b)(7)(C)
Cc: (b)(6),(b)(7)(C)
Subject: RE: Preliminary Custody Question
Date: Friday, May 09, 2014 11:26:07 AM
Attachments: (b)(6) [ion Module.pdf](#)
(b)(6) [Detention Module.pdf](#)
(b)(6) [I-213.pdf](#)

Here you go (b)(6)

1. CRCL Number Contact-DHS-14-0343: (b)(6)
 - a. Apprehended – 12/04/2013
 - b. Booked Out – 12/12/2013
2. CRCL Number 14-07-CBP-0157: (b)(6)
 - a. Apprehended – 11/30/2013
 - b. Booked Out – 12/24/2013
 - c. It appears that subject was in the hospital with a spinal injury (not related to apprehension) from 12/01/2013 – 12/17/2013. I cannot confirm this at this time.

I have attached copies of their Detention Logs and I-213s.

(b)(6),(b)(7)(C)

***Assistant Chief
HQ Office of Border Patrol
OBP Liaison to CBP-IA
Washington, D.C.
(O) 202-344- (b)(6),(b)(7)(C)
(C) 202-697- (b)(6),(b)(7)(C)***

From: (b)(6)
Sent: Friday, May 09, 2014 10:57 AM
To: (b)(6),(b)(7)(C)
Subject: Preliminary Custody Question

Hello (b)(6),(b)(7)(C)

CRCL just received 2 new complaints involving unaccompanied alien children. CRCL has not issued complaint documents yet on these cases. The complaints were not clear regarding when they were in Border Patrol custody. Could you preliminary provide the dates of when the following UACs were in BP custody?

1. CRCL Number Contact-DHS-14-0343: (b)(6)

2. CRCL Number 14-07-CBP-0157: (b)(6)

Thank you

(b)(6)

Office for Civil Rights & Civil Liberties

Department of Homeland Security

(202) 357 (b)(6) (phone)

(202) 253 (b)(6) (bb)

(b)(6) @hq.dhs.gov



Homeland
Security

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From: (b)(6)
Sent: 29 Oct 2014 14:54:55 -0400
To: (b)(6)
Cc:
Subject: Please ensure these are all retained in Entellitrak
Attachments: Rio Grande Valley Sector Complaints_RETENTION MEMO_Signed 7-9-14.pdf

(b)(6)

During my docket review, some of the complaints in the RGV onsite were short forms and referred, or recommended to be short formed or referred. (b)(6) said to ask you to change all complaints listed on the signed memo to Retained (not the ones in the footnotes), with a note that he instructed it since they were all the main complaints for the RGV Onsite. Then, all of the RGV complaints, including those in the footnotes, should be related to the Master complaints (which will remain open while I close those that are not the Masters). The RGV Masters are: 13-08-CBP-0183, 13-09-CBP-0207, which I have told (b)(6) about and she will make them the Masters in the system.

Note that 14-09-CBP-0250 (the withdrawn RGV complaint) will be simply closed with a note that it was withdrawn so it doesn't have to be related/linkd. (b)(6) says not to redo the memo for that complaint as OGC recommended.

Thanks so much. Sorry to add to your workload.

(b)(6)

From: DHSOIGHotlineMailbox
To: (b)(6) CRCL DHSOIGHotline
Cc: (b)(6)
Subject: RE: CRCL Complaint Number 14-07-CBP-0165
Date: Tuesday, May 13, 2014 8:43:20 AM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6) @associates.hq.dhs.gov]
Sent: Friday, May 09, 2014 5:37 PM
To: CRCL DHSOIGHotline
Cc: (b)(6)
(b)(6)
Subject: CRCL Complaint Number 14-07-CBP-0165

DHS OIG,

Summary of new complaint for your review:

THIS MATTER INVOLVES AN UNACCOMPANIED MINOR. On April 21, 2014 CRCL received email correspondence from (b)(6) of South Texas Pro Bono Asylum Representation Project (ProBAR) on behalf of unaccompanied alien child (UAC) (b)(6). UAC (b)(6) alleges after apprehension by Border Patrol in La Joya, Texas (Rio Grande Valley Sector), on December 4, 2013, he was in Border Patrol custody for 9 days in two different stations. According to EARM records, after apprehension the UAC was transported to the McAllen Station for processing and booked in to HHS ORR custody on December 4, 2014. The UAC states that he was at the second station for about 7 or 8 days, and on the fourth day the toilet over flew with water and agent refused to help them, but another agent helped get another shift agent to help fix the toilet about a half an hour later. The hold room was not cleaned and mopped for another day, and the smell was horrible.

(b)(6)

Office for Civil Rights and Civil Liberties
Department of Homeland Security

202-357-(b)(6)

(b)(6) [@associates.hq.dhs.gov](mailto:associates.hq.dhs.gov)

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From: CRCLCompliance
To: (b)(6)@gmail.com"
Subject: Follow-up to DHS CRCL Complaint 14-07-CBP-0165
Date: Tuesday, May 13, 2014 3:59:00 PM
Attachments: 04.21.2014 14-07-CBP-0165.pdf

Dear Ms. (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security



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Homeland
Security

May 13, 2014

Via electronic mail

(b)(6)
Children's Staff Attorney
South Texas Pro Bono Asylum Presentation Project (ProBAR)
119 W. Van Buren Ste. 204
Harlingen, TX 78550
(b)(6)@gmail.com

Re: Complaint No. 14-07-CBP-0165

Dear Ms. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on April 21, 2014 on behalf of (b)(6). Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security (DHS).

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at CRCLCompliance@hq.dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint, if you have not already done so. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,

(b)(6)



Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Authority: 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1 authorizes the collection of this information.

Purpose: The Department of Homeland Security (DHS) will use this information to review and investigate complaints and information from the public about possible violations of civil rights and/or civil liberties relating to DHS employees, programs, or activities.

Routine Uses: This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information, as necessary, with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ ALL-029 Civil Rights and Civil Liberties Records System of Records.

Disclosure: Furnishing this information to CRCL is voluntary; however, failure to furnish the requested information may delay or prevent CRCL from adequately reviewing and investigating your complaint. If necessary, CRCL may also request additional information from you in order to determine the appropriate manner to address your concerns.

To learn more about the Privacy Act, go to www.dhs.gov/privacy.

From: [CRCLCompliance](#)
To: (b)(6)
Cc: [CRCLCompliance](#)
Subject: RE: Border Patrol Complaints-South Texas
Date: Monday, April 21, 2014 3:18:17 PM

Dear Ms. (b)(6)

Thank you for contacting the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL). CRCL is reviewing your correspondence and will follow up with a response in writing to Ms. (b)(6)

Sincerely,

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
CRCLCompliance@HQ.DHS.GOV



**Homeland
Security**

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From: (b)(6)@gmail.com]
Sent: Monday, April 21, 2014 3:02 PM
To: CRCLCompliance
Cc: (b)(6)
Subject: Border Patrol Complaints-South Texas

Good afternoon,

I am writing to forward three border patrol complaints on behalf of children detained in UAC shelters in South Texas.

Should you have any questions, please feel free to contact (b)(6) the attorney overseeing border patrol complaints.

Thank you,

(b)(6)

Staff Attorney, Children's Project
South Texas Pro Bono Asylum Representation Project (ProBAR)
119 W. Van Buren, Ste. 204
Harlingen, TX 78550
tele: (956) 365-3775, ext. (b)(6)
fax: (956) 365-3789

www.americanbar.org/probar

ProBAR is a project of the American Bar Association Commission on Immigration, Texas State Bar, and American Immigration Lawyers Association

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April 21, 2014

Department of Homeland Security
Attn: Office of Inspector General
245 Murray Drive, SW, Building 410
Washington, DC 20528

RE: Hidalgo Border Patrol

Dear Sir or Madam:

Our office requests that the Office of Inspector General investigate the behavior of Border Patrol officers in Hidalgo, Texas, where we have received a report of physical abuse to an unaccompanied minor. We are attaching the affidavit signed by the minor.

- (b)(6) currently detained at the South West Key (SWK), La Esperanza facility in Brownsville, Texas. For your reference the event number is (b)(6)

(b)(6) reports that he was mistreated by Border Patrol officials in or near Hidalgo, Texas. (b)(6) states that he was held in CBP processing center for a total of 9 days, 6 days longer than permitted by the Flores Settlement. (b)(6) indicates that while at the CBP processing center, officers failed to timely respond to inhabitable conditions in the cell where an overflowed toilet was not cleaned in the cell until the next day.

The minor's declaration provides more detailed information on the abuse outlined above.

Unaccompanied minors who are in custody deserve the fair and humane treatment that is outlined in the Flores settlement. I trust that your agency will be able to use this information to identify any individuals involved in the abuses and to advocate for Border Patrol's compliance with the standards for treatment of minors in custody.

We are looking forward to hearing from you concerning this complaint. Please note that the minor's signature on page two of his complaint authorizes your agency to release information about any investigation of this complaint to ProBAR, and we request that you do so. If you have any questions, please contact me at (956) 365-3775. Thank you for your prompt attention to this matter.

Respectfully,

(b)(6)

Attorney at Law

cc: DIIS Office of the Inspector General
245 Murray Drive, SW, Building 410/Mail Stop 2600
Washington, DC 20528
Via facsimile to (202) 254-4297

Department of Homeland Security
Office of Civil Rights and Civil Liberties
245 Murray Drive, SW, Building 410
Washington, DC 20528
Via electronic mail to CRCLCompliance@hq.dhs.gov

Department of Homeland Security
Joint Intake Center, ICE/CBP
P.O. Box 14475
1200 Pennsylvania Avenue, NW
Washington, DC 20044
Via facsimile to (202) 344-3390

Department of Homeland Security
Office of Internal Audit
425 "I" Street, NW
Washington, DC 20530

Commission on Immigration
American Bar Association
740 15th Street, NW, 9th floor
Washington, DC 20005-1022
Via electronic mail

Customs and Border Patrol
McAllen Station
3000 West Military Highway
McAllen, TX 78503
Via hand delivery

My full and complete name is: (b)(6)

My assigned Alien number is: (b)(6)

I was detained by Border Patrol Agents at or near: Hidalgo, TX

I was detained by Border Patrol Agents on or about: March, TX

Final (b)(6) Event # (b)(6)

I, (b)(6) declare and affirm that the following took place:

I crossed the river with 3 others. I turned myself into Border Patrol because we were too hungry and thirsty from our journey. I was detained for about 9 days in two different stations. I was in one station one night and a day, and on the other one for about seven or eight days. On the fifth day I was taken to an airport because I was going to a shelter in Washington, but the flight got cancelled and I was taken back to the station. During my time in the second station, there were three agents who were very aggressive and would scream at us whenever any young man would knock on the window. I felt like I couldn't talk or ask for anything. I saw a young man in the same cell get handcuffed because he was trying to get the attention of an agent who was not aggressive. However, one of the aggressive agents saw him, screamed at us and handcuffed him. He was handcuffed in the cell. On the fourth day of the second station, someone in my cell put a lot of toilet paper in the toilet. The toilet over flew with water. There was no space to move for some, and they got wet. I put my jacket up to give others space. I knocked on the door to get an agent's attention.

Acting Patrol Agent in charge: (b)(6), (b)(7)(C)

BP agent: (b)(6), (b)(7)(C)

The agent screamed at me without letting me talk and told me that I did not know about respect, and asked me if I knew how to read. He took me by the hand to show me a paper near the window that said to not touch the window. He screamed at the others too. We didn't want to say anything until another agent passed by. He said he would get someone's attention, but his shift was over. The toilet was not fixed until half an hour later. It was not cleaned for another day until the next day when it was mopped. The odor was horrible.

I declare and affirm the following under penalty of perjury that the content of this declaration is true and correct to the best of my knowledge.

(b)(6)

Signature

12/16/13

Date

I, _____, hereby declare under penalty of perjury that I am competent in both English and Spanish, and have translated to the best of my abilities the foregoing affidavit from Spanish to English.

(b)(6)

12/16/13

Date

From: (b)(6)
Sent: 30 Oct 2014 10:36:01 -0400
To: (b)(6)
Cc:
Subject: RE: Please ensure these are all retained in Entellitrak

Also (b)(6) would like 14-09-CBP-0241 to be dropped into the RGV Retention Memo because we looked at (b)(5) he says. So, the attached signed Retention Memo has it dropped in with a note. Will you please have one of the interns upload this Edited-Signed Retention Memo to every complaint listed in the Retention Documents (listed (b)(5),(b)(6)

in the dropped in complaint with the note, because I have to move it to retained anyway, so the intern doesn't have to do this one.

I hope that's clear. Please stop by if not. Thank you!

(b)(6)

Duplicate



Homeland Security

To: (b)(6) Director for Compliance, CRCL
 From: (b)(6) (CTR), Compliance, CRCL
 Date: October 28, 2014
 Complaint Number: 13-07-CBP-0315 (b)(6)
 13-11-CBP-0308
 14-01-CBP-0045
 14-03-CBP-0037
 14-07-CBP-0168

Findings for Closure without Recommendations:

<input type="checkbox"/> Insufficient information to investigate	<input checked="" type="checkbox"/> Allegation(s) substantiated but does not warrant recommendations
<input type="checkbox"/> Withdrawal of complaint	<input type="checkbox"/> No finding of detention standards violations
<input type="checkbox"/> Lack of jurisdiction	<input type="checkbox"/> No finding of policy or procedure violations
<input type="checkbox"/> Allegation(s) overtaken by events	<input type="checkbox"/> Complaint being handled as part of a related complaint (Related)
<input type="checkbox"/> Component and/or facility has already corrected the problem	<input checked="" type="checkbox"/> Other: CRCL will make recommendations to CBP on ECW practice and procedure in the Rio Grande Valley Sector site visit recommendations memo.
<input checked="" type="checkbox"/> Allegation(s) against component, individual, and/or facility unfounded	
<input type="checkbox"/> Allegation(s) against component, individual, and/or facility unsubstantiated	

Reason for Closing:

The above-listed complaints contain allegations involving the use of Electronic Control Weapons (ECW) by U.S. Border Patrol Agents (BPAs) on minors apprehended in the Rio Grande Valley Sector during 2013 and 2014. Although the allegations of excessive force in these complaints could not be substantiated, CRCL will make recommendations regarding ECW practice and procedure based on the July 2014 Rio Grande Valley Sector site visit in a separate memorandum. Therefore, I recommend we close these complaints with no further action.

13-07-CBP-0315

On April 26, 2013, CRCL received a Significant Incident Report (SIR) from HHS ORR regarding UAC (b)(6). During the UACs intake assessment, he alleged that, during his apprehension on April 11, 2013, he approached a BPA and stated he was a minor. He alleged that the BPA did not believe him and when he went to go talk to another BPA, he was tased.

CRCL requested information about this complaint from CBP, and, on June 19, 2014, CBP provided a Report of Investigation (ROI) and accompanying exhibits. Based on the information provided, the UAC was apprehended on March 3, 2013, not April 11, 2013. Only one of the three BPA's involved in the UAC's apprehension is certified to carry an ECW. A review of the ECW issued to that BPA shows no deployments on either March 3, 2013 or April 11, 2013. Records provided show that the UAC was recorded as saying he was in good health and did not require medical attention. Further, CBP investigators interviewed the UAC and, during the interview, he withdrew his allegation and said the BPAs treated him well. In the interview, the

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minor states that he started to run from the BPAs but stopped when one of the BPAs said he was going to help the UAC because of his age. Based on the above, the allegation that an ECW was used on the UAC is unfounded.

13-11-CBP-0308

On August 8, 2013, CRCL received a SIR from HHS ORR regarding UAC (b)(6). During the UACs intake assessment, he alleged that during his apprehension on June 30, 2012, a BPA tased him, causing him to fall to the ground. When the same BPA asked him to get up, the BPA kicked the UAC in the back.

Referred to CBP

14-01-CBP-0045

On October 16, 2013, CRCL received a complaint from the Children's Project South Texas Pro Bono Asylum Representation Project (ProBAR) regarding UAC (b)(6). The UAC alleged that BPAs used excessive force on another UAC he was traveling with when they tased him during his apprehension on September 11, 2013.

CRCL requested the ECW download records from all agents involved in the apprehension. CBP identified the four agents involved in the apprehension; however the agents that were certified to carry ECWs sometimes used ECWs checked out from the armory weapons pool so they were

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unable to determine which exact ECWs may have been carried that night.¹ CBP provided ECW data downloads from all the ECWs from the station where the agents are stationed. A review of these records shows no deployment on the date and approximate time span of the UACs apprehension. Based on this information, the allegation that a ECW was used and that excessive force was employed in its use, is unsubstantiated.

14-03-CBP-0037

On December 29, 2013, CRCL received a complaint from ProBar regarding UAC (b)(6) (b)(6). The UAC alleged that he was physically abused and that a BPA used an ECW on him during his apprehension on October 29, 2013. CRCL requested information about this complaint from CBP and, on July 8, 2014, CBP provided CRCL with a copy of a Management Inquiry, copies of a Use of Force Reporting System (UFRS) query for the date in question and information about the agents involved. Neither agent involved in the apprehension of the UAC is certified to carry an ECW. A query of the UFRS for reports of intermediate force used in the RGV Sector on the date of the UACs apprehension returned no results.

The agents interviewed about this matter did not recall apprehending this UAC and denied all allegations of physical abuse. Processing records reflect the UAC appeared to be and stated he was in good health. The I-213 color photograph of the UACs head and neck, taken from the front, shows no injuries. When agents attempted to interview the minor, then-released into the custody of his uncle, they were told by his uncle that the UAC had been struck by a car outside his home and died from his injuries. Based on the information available, allegations of physical abuse and use of an ECW could not be substantiated.

14-07-CBP-0168

On April 13, 2014, CRCL received a complaint from ProBAR regarding UAC (b)(6) (b)(6). The complaint alleged that the UAC was physically abused and an ECW was used on him during apprehension on November 22, 2013.

A review of EARM and I-213 records indicate that the UAC was actively resistant. He was convicted in state court of Assault on a Public Servant for assaulting the BPA involved in his apprehension. He was sentenced to 71 days confinement. The UAC was taken to Knapp Medical Center and medically cleared. Based on this information, CRCL cannot conclude that the BPA acting outside of the CBP Use of Force policy and the allegations of excessive force cannot be substantiated.

Special Circumstances

Recommendations on ECW-related practices and procedures will be made in the Rio Grande Valley Sector July 2014 site visit recommendations memo.

¹ CRCL is working with CBP on ECW practice and procedure at the station level, including the issue of enhanced oversight/tracking of ECWs from the armory weapons pool. This issue will be addressed in the Rio Grande Valley Sector site visit recommendations memorandum that is currently in draft. However, given the fact that the report showed no ECW use for the station, the outcome in the instant complaint is not affected.

Recommend Office of General Counsel (OGC) Review (Y/N)

No.

Suggested Closure Method:

<input checked="" type="checkbox"/> Close Letter to Complainants	<input type="checkbox"/> Close email/memo to component
<input type="checkbox"/> Phone call (a description of which is documented in Writing)	<input type="checkbox"/> High level component communication
<input type="checkbox"/> No notification necessary	<input type="checkbox"/> Close memo (No contact information)
<input type="checkbox"/> Other (provide details)	

Supporting Documents Attached:

For Completion by Reviewer:

Closure Recommendation Accepted X

Not Accepted ☐

(b)(6)

